

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Orange Boulevard Property PUD Final Master Plan

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Michael Rumer *MR* **EXT.** 7431

Agenda Date 08/22/06 **Regular** ☒ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for the Orange Boulevard Property PUD, consisting of 22.93 ± acres and located on south side of Orange Blvd., 800 feet west of I-4, based on staff findings (KBC Development, Inc., applicant); or
2. **DENY** the Final Master Plan for the Orange Boulevard Property PUD, consisting of 22.93 ± acres and located on south side of Orange Blvd., 800 feet west of I-4 (KBC Development, Inc., applicant); or
3. **CONTINUE** the request until a time and date certain.

District #5 – Carey

Michael Rumer, Senior Planner

BACKGROUND:

The applicant is seeking Final Master Plan approval for a 4-lot PUD to accommodate a variety of commercial uses. On November 15, 2005, the Board adopted a Small Scale Future Land Use Amendment from Commercial to Industrial on a 10 acre portion of the site and a rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) on the entire subject property. The uses permitted on the property are C-1 and C-2 on the entire site with M-1A allowed within the 10 acre portion with the Industrial land use designation. Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved Development Order.

Reviewed by: KET
Co Atty: _____
DFS: _____
OTHER: _____
DCM: [Signature]
CM: [Signature]

File No. rpdp08

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Master Plan and the Developer's Commitment Agreement for the Orange Boulevard Property PUD, consisting of 22.93 ± acres and located on south side of Orange Blvd., 800 feet west of I-4.

Attachments:

Location Map
Final Master Plan
Developer's Commitment Agreement
Approved Development Order
November 15, 2005 BCC meeting minutes

ST-1

**ORANGE BOULEVARD PROPERTY / KBC DEVELOPMENT PUD FINAL MASTER PLAN,
DEVELOPER'S COMMITMENTS, CLASSIFICATIONS AND DISTRICT
DESCRIPTION**

On August 22, 2006, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

See attached Exhibit A & Exhibit B (the Property).

(The aforementioned legal description has been provided to Seminole County by the Owner of the Property.)

The Final PUD Master Plan, a reduced copy of which is attached hereto as Exhibit C (the Final Master Plan) has been approved by the Board of County Commissioners of Seminole County concurrently with the approval of this Developer's Commitment Agreement.

2. PROPERTY OWNERS

The Property owner is: KBC Development Inc.

3. STATEMENT OF BASIC FACTS

1. Total Acreage: 22.3 ± acres
2. Zoning: P.U.D.
3. Number of lots: 4

4. LAND USE BREAKDOWN

TRACT	TYPE	PROJECT SQ .F.T.	ACREAGE	% OF DEVELOPMENT
A	OPEN SPACE	19,166.40	.44 AC.	1.92%
B	UTILITY AND ACCES ROW	86,248.80	1.98 AC.	8.63%
C	LOT 1	162,478.80	3.73 AC.	16.27%
D	LOT 2	277,477.20	6.37 AC.	27.78%
E	LOT 3	217,800.00	5.00 AC.	21.81%

F	LOT 4	233,917.20	5.37 AC,	23.42%
G	LIFT STATION	1,742.40	0.04 AC.	0.17%
TOTAL		998,830.80	22.93 AC.	100%

5. OPEN SPACE CALCULATIONS

Owners shall provide Open Space at an overall rate of 25%, or a minimum of 5.5 acres throughout the entire PUD.

6. BUILDING SETBACKS

Front: 25'
Rear: 10 '
Side: 0 '

Minimum Building Setbacks (from the west property line of the development):

- a. 50 feet for 1-story buildings
- b. 100 feet for 2-story buildings
- c. 120 feet for 3-story buildings

7. BUILDING HEIGHT

The maximum height of any structures shall not exceed thirty-five (35) feet.

8. PERMITTED USES

- a. Except as provided in paragraph (c) below, permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - Mechanical garages, bus, cab and truck repair, and storage
 - lumber yard
 - construction company with outdoor storage screened from off-site view
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
- b. Except as provided in paragraph (c) below, permitted uses within the area of the development designated as Industrial per the Future Land Use Map shall be in accordance with the provisions of the M-1A district, including special exception uses.
- c. Communications towers shall be allowed by right in the Commercial area of the site where listed as a permitted use in C-1 and C-2. Communications towers shall be allowed by right in the Industrial area of the site where listed as a permitted use in M-1A. Any communications tower which exceeds the limitations established by the Code for permitted uses shall require a major amendment to the PUD.
- d. The following uses shall be prohibited within the development:

adult entertainment establishments
alcoholic beverage establishments
drive-in theatres
multi-family housing
outdoor advertising signs

- e. Development in the Industrial portion of the site shall be subject to a maximum floor area ratio (FAR) of 0.65. Other areas shall be limited to a maximum FAR of 0.35.
- f. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.

9. LANDSCAPE & BUFFER CRITERIA (along property boundaries)

- 1. East: Retention area shall be landscaped, sodded and amenitized
- 2. South: None
- 3. West: A 6' masonry wall shall be required along the west property line and shall have a 25-foot buffer containing 4 canopy trees per 100 feet.
- 4. North: None

10. DEVELOPMENT COMMITMENTS

The following conditions shall apply to the development of the Property:

- a. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.
- b. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- c. Retention ponds shall be designed such that they are not required to be fenced.
- d. Dumpsters shall be screened so they are not visible from Orange Boulevard or nearby single family properties.
- e. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- f. Parking of mobile CT-scan trucks or semi-tractor trailers shall be prohibited within 120 feet of the west property line. Where permitted, such vehicles shall be screened from off-site view.
- g. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- h. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

11. PUBLIC FACILITIES

WATER:

Water service shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer shall be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection Standards.

STORM DRAINAGE:

Storm water drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and the St. Johns River Water Management District ERP regulations.

FIRE PROTECTION:

Fire protection shall be provided by Seminole County. Fire hydrant shall be located according to Seminole County regulations.

12. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.
2. The conditions upon which the Developer's Commitment Agreement and related commitments are made are accepted by and agreed to by the Owner of the Property.
3. This Agreement touches and concerns the Property, and the conditions, commitments and provisions of the Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner of the property has expressly covenanted and agreed to this provision and all other terms and provisions of the Agreement.
4. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.
5. The development approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.
6. The Owner of the Property has expressly agreed to be bound by and subject to

the development conditions and commitments stated above and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the Property.

12. INTERPRETATION; RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 05-20500008, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
Carlton D. Henley, Chairman

Date: _____

OWNER'S CONSENT AND COVENANT

COMES NOW, KBC DEVELOPMENT INC., on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Witness

Print Name

Michael J. Good
Chief Executive Officer

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICHAEL J. GOOD, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Project Legal Description:

21-19-30-503-0000-0060

W 125 FT OF LOT 6 & E 75 FT OF LOT 7 & E 150 FT OF LOT 10 & W 50 FT OF LOT 11
BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0040

LOT 4 (LESS E 104.41 FT) & ALL LOT 5 & LOT 6 (LESS W 125 FT) & E 125 FT OF LOT 11
& LOT 12 (LESS E 87.78 FT) BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0080

LEG LOT 8 & W 65 FT OF LOT 7 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0090

ALL LOT 9 & W 25 FT OF LOT 10 BELLS SUBD PB 6 PG 47

16-19-30-5AC-0000-0290

THAT PT OF LOT 29 W OF ST RD 400 ST JOSEPHS
PB 1 PG 114

16-19-30-5AC-0000-0280

LOT 28 & S 1/2 OF VACD ST ADJ ON N ST JOSEPHS PB 1 PG 114

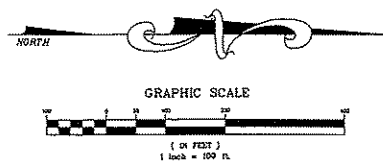
EXHIBIT B

LAND USE AMENDMENT LEGAL DESCRIPTION

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 28, ST. JOSEPH'S ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUNS S.00°00'45"W. ALONG THE EAST LINE OF LOTS 28 AND 29 OF SAID PLAT, 667.62 FEET; THENCE RUN N.89°54'12"W. 567.32 FEET; THENCE RUN N.00°05'48"E. 620.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 155.00 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE 243.47 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE POINT OF TANGENCY; THENCE RUN S.89°44'58"E. 404.22 FEET; THENCE RUN S.00°15'02"W. 107.08; THENCE RUN S.89°53'55"E., 6.99 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 9.953 ACRES MORE OR LESS.



TRACT TABLE

TRACT	TRACT USE	△ SQ. FT.	ACREAGE	PERCENT
A	DENSIFIED / LANDSCAPE BUFFER (FOA)	18,166.40	.44 AC.	1.92 %
B	UTILITY & ACCESS R/W (SEMI-URBAN COUNTY)	66,243.60	1.56 AC.	8.62 %
△ LOT 1		162,478.60	3.70 AC.	16.37 %
LOT 2		237,417.20	6.37 AC.	27.81 %
LOT 3		217,800.00	5.00 AC.	21.18 %
LOT 4		233,697.00	5.35 AC.	23.45 %
LOT 5	LOT 5 (SEMI-URBAN COUNTY)	1,742.40	0.04 AC.	0.17 %
C	GRASS SWT AREA	928,930.80	22.93 AC.	100 %

SITE DATA:

1. EXISTING ZONING: PUD
2. PROPOSED LAND USE: COMMERCIAL AND INDUSTRIAL (SEE MATCHED AREA)
3. EXISTING SITE CONTAINS 22.302 ACRES
4. PROPOSED DEVELOPMENT: COMMERCIAL/INDUSTRIAL-SEE DEVELOPMENT ORDER
5. MAXIMUM BUILD HEIGHT = 35 FT.
6. DEVELOPMENT SPECIFICATIONS:
 - FRONT: 75 (UNLESS BUFFER IS LARGER)
 - REAR: 10
 - SIDE: 10

ATTACHES FOR WEST PROPERTY LINE

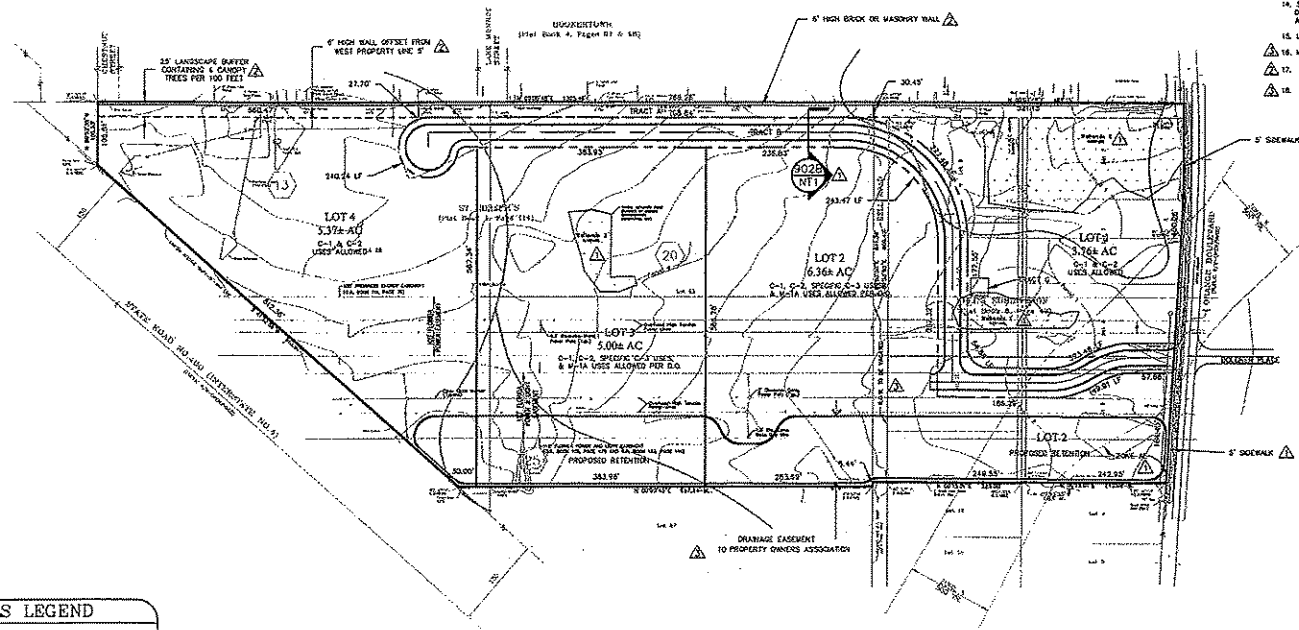
- 50 FEET FOR 1-2 STORY BUILDINGS
 - 100 FEET FOR 3-4 STORY BUILDINGS
 - 150 FEET FOR 5-6 STORY BUILDINGS
7. FLOOD PORTION OF THE NORTH EAST CORNER FALLS WITHIN ONE (1) 500' R.T. WITHIN OF THE 5TH FALLS OUTSIDE THE 500' R.T.
- A. PROPOSED RIGHT-OF-WAY = 50 FT. (PUBLIC)
 - B. PROPOSED ON-SITE PAVEMENT = 2+ FT.
8. A PROPERTY OWNERS ASSOCIATION WILL BE ESTABLISHED TO MAINTAIN ALL COMMON AREAS.
9. ADEQUATE FIRE PROTECTION WILL BE PROVIDED FOR REMAINE COUNTY COURTS.
10. MINIMUM SQUARE FOOTAGE TO ADHERE TO REMAINE COUNTY LOG.
11. PROPERTY SHOULD BE SUBMITTED AT A LATER DATE DEDICATING ON EXHIBIT AND VIDEOS.
12. SEE ATTACHED ENVIRONMENTAL REPORT FOR NEARLAYS DATA, AN ADDITIONAL NEARLAYS SHOULD BE ADDRESSED TO CONSIDERATIONS.
13. LANDSCAPING PLANTS WILL BE OBTAIN PER INDIVIDUAL LOT OWNER
14. MINIMUM LOT SIZE IS 3.75 AC. 0.01 1.
15. LOTS 3+4 0.35 MAX PER LOT FOR P.O.O.
16. LOTS 2+3 0.5 MAX PER LOT FOR P.O.O.
17. PROPOSED STORMWATER RETENTION POND WILL BE OWNED AND MAINTAINED BY PROPER P.O.O.

A 521

1. A LEFT TURN LANE IS REQUIRED ON ORANGE BLVD. THAT WILL
NEED TO CONNECT TO THE EXISTING LEFT TURN LANE TO THE
EAST AND MAY BE REQUIRED TO CONNECT WITH THE EXISTING
TURN LEFT TO THE WEST. A 50' HALF RIGHT OF WAY ALONG
PROPERTY FRONTAGE ON ORANGE BLVD. OR WHAT IS NEEDED
FOR OFF-SITE IMPROVEMENTS TO BE OBTAINED.

 Springer

- a) A CLASS FIVE CONTRACTOR REQUIRED TO INSTALL FIRE LINES.
- b) THE FIRE LINE FOR SPANNED BUILDINGS STARTS AT THE
FIRE DEPARTMENT CHECK VALVE.
- c) NO OTHER WATER CONNECTION SHALL BE OFF OF THE FIRE
LINE.
- d) THE FIRE DEPARTMENT CONNECTION SHALL BE WITHIN 200 FEET
OF THE FIRE HYDRANT.
- e) THE ONLY VALVE ALLOWED IN THE FOG LINE IS A CHECK
VALVE.
- f) ALL FIRE LINES SHALL BE INSPECTED BY THE FIRE DEPARTMENT
BEFORE BEING COVERED.
- g) A SEPARATE PERMIT SHALL BE REQUIRED TO INSTALL THE FIRE



SOILS LEGEND

NUMBER	SOILS TYPE
13	EAUGALLIE AND PANGLOSS FINE SANDS
20	WYAKKA AND EAUGALLIE FINE SANDS
21	INTIAN MUCKY FINE SAND, DEPRESSIONAL
25	PANEDA FINE SAND

JUL 18 2006
Development Review

PROPERTY APPRAISER'S NUMBER

SEWAGE COUNTY
ASSIGNED FOR CONSTRUCTION

THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMANOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULTS IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF THE CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER OF RESPONSIBILITY TO MEET THOSE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

SEMOORE COUNTY DEVELOPMENT REVIEW DEPARTMENT
0612

ANNUAL MASTER PLAN/PRELIMINARY SUBDIVISION PLAN
FOR
ORANGE BLVD. PROPERTY

AGENT
KBC DEVELOPMENT, INC.

ENGINEER IN CHARGE:

STANLEY H. WEINSTEIN, P.E. (01781)

[illegible]

JOB # 25116
DATE: 03/07/05
SCALE: 1" = 100'
DESIGNED BY: CHM
DRAWN BY: M.H.
APPROVED BY: CHM

ST-1

FILE # Z2005-040

DEVELOPMENT ORDER #5-20500008

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On November 15, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: KBC DEVELOPMENT INC.

Project Name: ORANGE BOULEVARD PROPERTY PUD

Requested Development Approval: Rezone from A-1 to PUD

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06021 PGS 1357-1363
FILE NUM 2005208501
RECORDED 12/02/2005 04:17:11 PM
RECORDING FEES 61.00
RECORDED BY G Harford

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Eva Roach*
DEPUTY CLERK

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. Except as provided in paragraph (c) below, permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with outdoor storage screened from off-site view
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - ~~SE~~ service stations with gas pumps as an accessory use
 - b. Except as provided in paragraph (c) below, permitted uses within the area of the development designated as Industrial per the Future Land Use Map shall be in accordance with the provisions of the M-1A district, including special exception uses.
 - c. Communications towers shall be allowed by right in the Commercial area of the site where listed as a permitted use in C-1 and C-2. Communications towers shall be allowed by right in the Industrial area of the site where listed as a permitted use in M-1A. Any communications tower which exceeds the limitations established by the Code for permitted uses shall require a major amendment to the PUD.
 - d. The following uses shall be prohibited within the development:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multi-family housing
 - outdoor advertising signs
 - e. Development in the Industrial portion of the site shall be subject to a maximum floor area ratio (FAR) of 0.65. Other areas shall be limited to a maximum FAR of 0.35.
 - f. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.

- g. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.
- h. Building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
 - 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- i. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- j. Retention ponds shall be designed such that they are not required to be fenced.
- k. Dumpsters shall be screened so they are not visible from Orange Boulevard or nearby single family properties.
- l. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- m. Parking of mobile CT-scan trucks or semi-tractor trailers shall be prohibited within 120 feet of the west property line. Where permitted, such vehicles shall be screened from off-site view.
- n. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- o. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

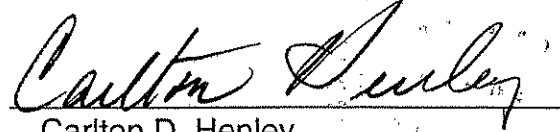
(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

FILE # Z2005-040

DEVELOPMENT ORDER #5-20500008

Done and Ordered on the date first written above.

By:

A handwritten signature in cursive script, appearing to read "Carlton D. Henley", written over a horizontal line.

Carlton D. Henley

Chairman

Board of County Commissioners

FILE # Z2005-040

DEVELOPMENT ORDER #5-20500008

OWNER'S CONSENT AND COVENANT

COMES NOW, KBC DEVELOPMENT INC., on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Melissa Leigh Harley
Witness

Melissa Leigh Harley
Print Name

Kelley Mims
Witness

Kelley Mims
Print Name

Michael J. Good
Michael J. Good

Chief Executive Officer

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICHAEL J. GOOD, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of November, 2005.

Kathy A. Bradley
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Kathy A. Bradley
Commission #DD323813
Expires: May 26, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT A

Project Legal Description:

21-19-30-503-0000-0060

W 125 FT OF LOT 6 & E 75 FT OF LOT 7 & E 150 FT OF LOT 10 & W 50 FT OF LOT 11 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0040

LOT 4 (LESS E 104.41 FT) & ALL LOT 5 & LOT 6 (LESS W 125 FT) & E 125 FT OF LOT 11 & LOT 12 (LESS E 87.78 FT) BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0080

LEG LOT 8 & W 65 FT OF LOT 7 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0090

ALL LOT 9 & W 25 FT OF LOT 10 BELLS SUBD PB 6 PG 47

16-19-30-5AC-0000-0290

THAT PT OF LOT 29 W OF ST RD 400 ST JOSEPHS
PB 1 PG 114

16-19-30-5AC-0000-0280

LOT 28 & S 1/2 OF VACD ST ADJ ON N ST JOSEPHS PB 1 PG 114

EXHIBIT B

LAND USE AMENDMENT LEGAL DESCRIPTION

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 28, ST. JOSEPH'S ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUNS S.00°00'45"W. ALONG THE EAST LINE OF LOTS 28 AND 29 OF SAID PLAT, 667.62 FEET; THENCE RUN N.89°54'12"W. 567.32 FEET; THENCE RUN N.00°05'48"E. 620.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 155.00 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE 243.47 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE POINT OF TANGENCY; THENCE RUN S.89°44'58"E. 404.22 FEET; THENCE RUN S.00°15'02"W. 107.08; THENCE RUN S.89°53'55"E., 6.99 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 9.953 ACRES MORE OR LESS.

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**REQUEST TO VACATE & ABANDON
LONNIE GROOT FOR ARTHUR EVANS, Continued**

Continuation of a public hearing to consider a request to vacate and abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street, as described in the proof of publication, Lonnie Groot representative for Arthur Evans.

Chairman Henley advised the applicant is requesting a continuance of this item. Copy of email from Mr. Evans was received and filed.

Motion by Commissioner Morris, seconded by Commissioner Dallari to continue until January 10, 2005 at 1:30 p.m., or as soon thereafter as possible, consideration of a request to vacate and abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street, as described in the proof of publication, Lonnie Groot representative for Arthur Evans.

Districts 1, 2, 3, 4 and 5 voted AYE.

**REQUEST FOR LAND USE & REZONING
FROM A-1 TO PUD, MICHAEL J. GOOD**

Proof of publication, as shown on page 1207, calling for a public hearing to consider a request for a Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.9 acres and rezoning from A-1 (Agriculture) to PUD (Planned Unit Development District) on approximately 22.3 acres, located on the south side of Orange Boulevard, 800 feet west of I-4, Michael J. Good, received and filed.

Planner, Jeff Hopper, addressed the Board to present the request, advising the PUD will accommodate a variety of commercial uses. The Commercial designation supports the C-1 and C-2 uses indicated on the Preliminary Master Plan. However,

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the plan also proposes C-3 and M-1A uses so the applicant is requesting a land use amendment for the central 9.95 acre portion of the site to Industrial. He said at this point the plan is conceptual with specific uses and site lay-out to be established through one or more final master plans. He further advised the staff recommends approval of the request subject to the conditions in the development order. He said communication towers are permitted in C-1 and C-2 zoning if they are camouflaged. Towers not meeting those requirements would require a major PUD amendment and public hearing.

District Commissioner Carey stated with regard to Item K of the D.O., currently there are no sidewalks along Orange Boulevard.

Planning Manager, Tony Walter, addressed the Board to advise since there are no sidewalks on Orange Boulevard, staff would have no objections to striking Item K from the D.O.

Charlie Madden, representing the developer, addressed the Board to state they are in agreement with the staff's recommendation and the development order with a couple of minor changes. He said the first is with regard to Item C regarding the communication towers and they would like to include Mr. Hopper's comments regarding same in the D.O. He also said that they would like the ability to serve alcoholic beverages as an ancillary use if a sandwich shop come into the project. With regard to Item D, prohibiting outdoor advertising signs, he advised that currently there is a billboard on the site that has been grandfathered in and he wants to make it clear that they are not required to take that down. He stated that with regard to Item K (sidewalks), they will be putting internal sidewalks

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in; however, there are no sidewalks on Orange Boulevard to connect to and they would like that requirement to be stricken.

Chairman Henley stated that under the billboard policy, a grandfathered sign can remain until it comes down and at that point, it cannot be replaced.

County Attorney, Robert McMillan, advised the prohibition in Item D does not include alcoholic beverages that are served in restaurants.

No one else spoke in support or in opposition.

District Commissioner Carey recommended striking Item K (sidewalks on Orange Blvd.) from the D.O.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide to adopt Ordinance #2005-49, as shown on page 1208, approving Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.9 acres; and adopt Ordinance #2005-50, as shown on page 1217, approving rezoning from A-1 (Agriculture) to PUD (Planned Unit Development District) on approximately 22.3 acres, located on the south side of Orange Boulevard, 800 feet west of I-4, Michael J. Good, based on staff findings; and approval of Development Order, as shown on page 1220.1, as amended, regarding Item C (communication tower language) and striking Item K regarding sidewalks.

Districts 1, 2, 3, 4 and 5 voted AYE.

CHAIRMAN'S REPORT

Chairman Henley advised of letter from Chairman Ben Tucker of the Charter Review Commission requesting BCC direction on a proposal for the rural area amendment that came up during the last CRC meeting. He said because this matter is in litigation, he does not believe it would be wise to make any revisions to it.